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The Politics over California’s Anti-Caste Bill

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Anxiety amongst upper-caste diaspora that their narrative about a benign Indian culture would be undone lies at the heart of the opposition to California’s bill to ban caste discrimination.

If all goes well, California will be the first state in the United States to ban caste discrimination. A bill to this effect, [passed by the state’s assembly](#) – hailed by civil rights activists as a victory against caste bias but caught in the cross-hairs of a powerful section of Indian Americans – has highlighted the pivotal and contentious role that caste plays in diasporic Indian culture, society and politics.

This contentious battle over a piece of legislation, which has ramifications for all Americans, is intertwined with India’s deeply polarising cultural practices and its divisive political landscape. At the one end of the spectrum is the struggle to recognise caste-based bias, and at the other is caste denial.

Discrimination in the diaspora

Caste-based discrimination in America is well documented. A [survey by Equality Labs](#) – a non-profit that advocates for Dalit rights – showed that one in four Dalits faced verbal and physical assault. One in three experienced education discrimination, and two in three workplace discrimination.

In 2020, [Cisco](#) was sued by California state regulators on allegations that two high-caste Indian managers had discriminated against a Dalit engineer by subjecting him to lower pay and inferior terms of employment. The following year, the Bochasanwasi Akshar Purushottam Swaminarayan Sanstha (BAPS) faced a lawsuit in New Jersey on charges of luring mostly Dalit labourers from India to work on temple construction in conditions that resembled forced [labour](#).

Thenmozhi Soundararajan, the founder and executive director of Equality Labs, was to deliver a talk at Google on Dalit history in 2022 summer. It was cancelled at the last minute, [reportedly due to hostility by the company’s](#) Indian employees, who accused Soundararajan of being ‘anti-Hindu’. Google has a sizeable number of Indian-origin employees who belong to privileged castes. The CEO, Sundar Pichai, himself comes from an upper-caste Indian family.

Such documented cases may only be the tip of the iceberg.

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India’s constitutional guarantees of equality and ban on untouchability have done little to purge from upper castes the false image of ‘impurity’ amongst Dalits. This psyche within the South Asian immigrants has been transhipped across the world and is affirmed through mundane practices, lifestyles and actions.

“Dalits try and hide their identities lest they suffer its consequences at workplaces, schools and in neighbourhoods,” a woman working in the tech sector said in an interview with us. (The woman, a non-Dalit supporter of the bill, did not want to be named).

Discrimination evinces itself in daily rituals, everyday events, and casual conversations. The tech worker pointed out that while it could be as obscene as slurs and jokes, prejudice was often veiled. Colleagues “seek details about ‘surnames’ and ‘friends’” to find out about family backgrounds and localities of descent, she said.

Or it could manifest in food practices. A South Indian restaurant in the Bay Area, for instance, adopts Sanskritised Tamil words like *madisapad* for its cuisine. Madisapad means ‘ritually pure food’, and the notion of purity comes from the idea of a substance insulated from even the shadow of an ‘untouchable’.

For upper-caste elites, this would pass off as culture. For the oppressed classes, it is sheer bigotry.

A supporter of the California bill said the legislation becomes important “because it delegitimises such violence of the words and conversations that are veiled casteist slurs.”

Raju Rajagopal of the Hindus for Human Rights adds a more practical dimension. Employers will have to “take the possibilities of caste discrimination seriously and to define internal mechanisms to prevent and deal with instances of caste discrimination.”

Significance of SB 403

Senator Aisha Wahab of the Democratic Party authored Senate Bill (SB) 403, which would add caste to the list of protected classes under California’s laws dealing with civil rights, employment, and housing.

Though Wahab is of Afghan origin, 29% of the total population of Fremont, her constituency, are of Indian origin, and over 61% are of Indian origin. She was [inspired to initiate](#) the move when she became aware of glaring cases of caste bias in her home district.

However, following opposition to the bill by some organisations, Wahab was forced to water down the bill earlier passed by the California Senate. In July, the Assembly judicial committee gave its nod to the new version, which placed the word ‘caste’ in the category of ancestry.

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Yet, experts said even the diluted bill remained strong enough to provide some relief to the oppressed-caste communities. At a seminar in mid-August in Cupertino, Ram Kumar and Sunita of Ambedkar International Centre said that despite the dilutions, the bill is “still a victory.” Murali Shanmugavelan, a research scholar from Oxford University, said at the seminar that it should inspire the world to develop similar laws.

Some supporters of the bill feel that much more needs to be done. Caste’s “political and education value as an independent category is lost after the recent amendments, but the struggle can still be carried on for its listing as a separate category,” said Anupama Mandavilli, a Dalit rights activist, on the sidelines of the seminar.

SB 403 is not India-specific. It recognises caste-like practices in regions across the world, like in Somalia and Japan. However, its main impetus is South Asia, where caste-based practices and traditions are more rampant. Though rooted in Hinduism, Muslims, Sikhs, and Christians in the subcontinent also practice forms of caste.

The opposition to the California caste bill finds inspiration from Hindutva’s foundational principles, at the core of which is the assertion of Hindu primacy and dominance through a sustained narrative of privileged-caste superiority and over-glorified history.

The strongest opponent of the bill, the Hindu American Foundation – which has strong [links with the RSS](#) – views the bill as ‘anti-Hindu’ and ‘anti-South Asian’. It highlights the dangers of racial profiling that it says it will encourage. Earlier this year, the HAF had expressed similar reservations over a similar [legislation in Seattle](#), which became the first American city to ban caste bias.

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“In the United States, Hindutva politics remains purely Brahmanical, upper caste, elitist,” Rohit Chopra, a professor at Santa Clara University, said. This was unlike in India, where it has used social engineering to include some upward mobile social castes.

But caste prejudices are deeply embedded in the psyche of the privileged Hindus, even of those who might profess to abhor the bigoted politics of the Hindutva votaries.

Many Indian-origin technocrats in Silicon Valley view the anti-caste discrimination bill as ‘useless’ or refuse to voice their opinion. ‘We are neutral,’ they say in casual conversations but hesitate from coming on record.

Those who vehemently oppose the legislation deem it a threat to privileged castes. If caste discrimination cases exist, they are claimed as aberrations. They aver that India’s reservation policies have reversed caste-based discrimination. Some even refer to themselves as the ‘real victims’ of discrimination. People from the upper castes cannot find jobs in India because caste-based reservations are a general refrain. As Lalita Du Perron, associate director of the Centre for South Asia at Stanford University, noted in an interview, this rendering ignores how their privileged status propelled them into positions of power.

Those opposed to the caste bill also state that existing laws within the American system are sufficient to take care of any such cases of caste-based prejudices and discrimination. “To tackle discrimination, we have very strong existing laws and existing protections under categories of ancestry and national origin. They can, and should, be used to deal with any issues of caste-based discrimination as they arise – and they have actually already been used,” [CalMatters](#) quoted [Samir Kalra](#), managing director of the HAF, as saying.

Narratives of purity

Immigration to the United States was barred to Indians for decades on racial grounds until reforms in 1965 pivoted to bring high-skilled workers from India. Those who benefitted were overwhelmingly from [the privileged classes](#).

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Today, Indians represent the second largest U.S. immigrant group, after Mexicans and ahead of Chinese and Filipinos. The 2.7 million Indian immigrants living in the United States as of 2021 made up 6% of the total foreign-born population, and their numbers continue to grow, according to the [Migration Policy Institute](#).

The post-liberalisation migration from India towards the tech industry has included some Dalits. For them, the pursuit of the American dream has been caught in the grip of the demons of their past, as the privileged caste South Asian diaspora pin them down through oppressive behaviour at workplaces and in social circles.

Breaking the silence on caste discrimination undermines the image of Indian and Hindu superiority projected by Hindu right-wing groups in the United States. Dominant-caste Indian immigrants had “successfully managed to create a certain social and cultural narrative,” a Dalit rights activist told us. “They projected India as a land of vegetarianism, yoga, meditation, elitism and educated people.”

This benevolent image erases the memory and social and cultural practices of oppressed castes who are yet to be mainstreamed in America. “Conversations about caste actually start to peel back the false facade they have successfully managed to manufacture, and that is why they are creating fear-mongering against the bill.”

Hindutva is also about supplanting in the world, primarily in the West, an image of superiority and supremacy of Hindus, thus asserting Hindu primacy and dominance through a sustained narrative of ‘purity’ of the Hindu race. In the process, this narrative brushes under the carpet everything ugly that goes into creating and perpetuating this image of superiority.

“Caste obstructs that narrative, and that is why there is anger and rage against the bill,” Chopra sums up. “Organisations like Hindu American Foundation see themselves as custodians of Hinduism, not of India and Indian values [...] they see any conversation on Hinduism by those who do not subscribe to their ideology as anti-Hinduism because they want to project a distorted view.”

Hindutva at the corners of the globe

Invisibilising non-privileged Indians is an essential component of the Hindutva project that sees the Hindu nation as one that transcends boundaries to follow Hindus across the globe.

Muslims are at the centre of gravity of the project. Last year, in a New Jersey town, an Indian association [paraded bulldozers](#) to send a perceptibly anti-Muslim message. (Hindutva leaders in India have called for and used bulldozers to raze dwellings and structures owned by Muslims.) But in general, the Hindutva project’s foundational principle is to reduce everyone who is a non-privileged caste Hindu to an inferior status and see them as the ‘Other’.

The politics of opposing California’s proposed caste ban and promoting Hindutva are more than just about manufacturing an image of superiority and goodness. It is about asserting power and ensuring it remains vested in the hands of the few privileged racially deemed fit to hold it at the cost of excluding the rest.

Liberals like Chopra worry that such politics will have ramifications for India, the United States, and the rest of the world.

“If they are strong there [India], they are strong here [America]. We’ll see more of violence, victimisation of minorities in India.”

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